IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 3844 of 2007(G)

AGAINST THE ORDER IN IA.27/2007 IN
OS.119/2004 of MUNISIFF COURT, DEVICULAM

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PETITIONERS:

1. D. KUMAR, AGED ABOUT 47 YEARS,
S/O.DORAIRAJ, K.S.E.B. QUARTERS,
COLONY ROAD, MUNNAR P.O.

2. MUNIYANDY, AGED ABOUT 52 YEARS,
S/O.GANAPATHY, D.T.P.W.C.C.SOCIETY,
NALLATHANNY ROAD, MUNNAR P.O.

3. R. KARUPPASWAMY, AGED ABOUT 48 YEARS,
LOWER DIVISION, KANNIMALAI ESTATE,
MUNNAR P.O.

4. P. JAYARAJ, AGED ABOUT 49 YEARS,
EAST DIVISION, NALLATHANNY ESTATE,
MUNNAR P.O.

5. VIJAYAKUMAR, AGED ABOUT 40 YEARS,
TEACHER'S QUARTERS, NEAR BLOCK OFFICE,
DEVIKULAM P.O.

6. A.P. CHARLY, AGED ABOUT 51 YEARS,
PUTHUKADY DIVISION KUNDALAI ESTATE,
S.P.PURAM P.O.

7. P. SURESH, AGED ABOUT 35 YEARS,
NEW MUNNAR DIVISION, SEVENMALAI ESTATE,
MUNNAR P.O.

8. P. JAYARAJ, AGED ABOUT 46 YEARS,
KORANDIKADU DIVISION, GRAMSLAND ESTATE,
MUNNAR P.O.

9. K.M. IMBANATHAN, AGED ABOUT 60 YEARS,
FACTORY DIVISION, PALLIVASAL ESTATE, MUNNAR P.O.

10. DEVIAPPAN, AGED ABOUT 62 YEARS,
LOWER DIVISION, DEVIKULAM ESTATE, MUNNAR P.O.

11. N. PITCHAI RAWTHER, AGED ABOUT 68 YEARS,
EAST DIVISION, LETCHUMI ESTATE, MUNNAR P.O.

12. C. KUTTIAPPILLAI, AGED ABOUT 50 YEARS,
URVASI STUDIO, MUNNAR P.O.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

1. SOUTH INDIAN PLANTATION WORKERS UNION
(AFFILIATION NO.2124, REG.NO.42 OF 1950)
MUNNAR P.O., DEVIKULAM TALUK, IDUKKI DISTRICT,
REP. BY ITS PRESIDENT, R. KUPPUSWAMY,
AGED 82 YEARS, S/.RAMASWAMY, MUNNAR P.O.

2. R. KUPPUSWAMY, AGED 82 YEARS,
S/O.RAMASWAMY, PRESIDENT,
SOUTH INDIAN PLANTATION WORKERS UNION,
NALLATHANNY ROAD, MUNNAR P.O.,
K.D.H. VILLAGE, DEVIKULAM TALUK.

3. BALASUBRAMANIAN, AGED 86 YEARS,
S/O.MADASWAMY, GENERAL SECRETARY,
SOUTH INDIAN PLANTATION WORKERS UNION
(AFFILIATED NO.2124, REG.NO.42/1950) FACTORY
DIVISION, GRAMSLAND ESTATE, MUNNAR P.O.,
KDH VILLAGE, DEVIKULAM TALUK.

4. A.K. MONI, AGED 54 YEARS,
S/O.KODAKKARA, HOUSE NO.2157, NADAYAR ROAD,
MUNNAR P.O., K D H VILLAGE,
DEVIKULAM TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.3844 OF 2007

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Dated this the 9th day of February 2007

JUDGMENT

The petitioners filed I.A.27 of 2007 (Ext.P2) in O.S.119/2004 before the Munsiff's Court, Devikulam to have them impleaded as additional defendants 2 to 13. The purpose of getting impleaded is alleged to be to resist the suit as plaintiffs 2 and 3 in the suit are no more the President and General Secretary of the first plaintiff/Union as a further election was conducted and the petitioners are the present office bearers. Ext.P2 application was dismissed by the Munsiff vide Ext.P4 order assailed in this writ petition.

The suit was filed by respondents 1 to 3 against the 4th respondent restraining him from effecting collection of annual subscription from the members of the Union on the ground that the fourth respondent had been expelled from the post of General Secretary of the Union. If plaintiffs 2 and 3 ceased to have any right to proceed with the suit being not office bearers of the first plaintiff/Union the suit ultimately will be dismissed. If at all the petitioners have got any right or cause of action to

move against the plaintiffs it is upto them to institute appropriate suit and not to have them got impleaded as additional defendants 2 to 13 in the suit instituted by respondents 1 to 3 to resist the said suit. In the circumstances, Ext.P2 petition was rightly being dismissed by the learned Munsiff vide Ext.P4 order. This writ petition in the circumstances is devoid of merit and is dismissed.

K.P.BALACHANDRAN, JUDGE

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